

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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**MICHAEL MILLER**

Plaintiff,

v.

**AGILITY COMMUNICATIONS  
GROUP**

Defendant.

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**CIV. ACTION NO. 2:22-CV-1650**

**COMPLAINT**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

Plaintiff, Michael Miller, by and through his undersigned counsel, The Lacy Employment Law Firm LLC, hereby files this Complaint against Defendant and states as follows:

**PROCEDURAL AND ADMINISTRATIVE REMEDIES**

1. All the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference as if set forth herein at length.
2. Venue is proper in the District Court under 28 U.S.C. §1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred within this District.
3. On or about March 16, 2022, Plaintiff dual-filed a charge with the Pittsburgh office of the Equal Employment Opportunity Commission (“EEOC”) and the Pennsylvania Human Relations Commission alleging disability discrimination and retaliation.<sup>1</sup> *See* EEOC Charge of Discrimination, attached as Exhibit 1.

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<sup>1</sup> Plaintiff's claims under the PHRA are referenced for notice purposes. Plaintiff is required to wait one full year from the time of filing the dual-filed charge to bring claims under the PHRA and PFPO. Plaintiff must however file a lawsuit in advance of the same because of the date of issuance of federal right-to-sue letter.

4. The EEOC issued a Right to Sue letter (“Right to Sue”) and Plaintiff timely filed the above-captioned action on or before 90 days from receipt of the Right to Sue that the EEOC issued. *See* Exhibit 2.

5. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

### **PARTIES**

6. Plaintiff, Michael Miller (“Plaintiff”), a male living with a mental disability, resides at 120 Rosewood Drive, Aliquippa, PA 15001.

7. Defendant, Agility Communications Group (“Defendant”), is a business telecommunications service provider located at 6606 Lyndon B Johnson Fwy #135, Dallas, TX 75240.

### **FACTUAL BACKGROUND**

8. Mr. Miller began his employment with Agility Communications Group on or about April 13, 2021, and worked there for several months.

9. Mr. Miller’s job duties included overseeing the implementation team and managing infrastructure.

10. Mr. Miller suffers from the disability of anxiety. This disability was diagnosed and documented by Dr. Zernich.

11. Agility Communications Group was aware of Mr. Miller’s disability.

12. While at Agility Communications Group, Mr. Miller worked closely with the owner, Erin Wetlin.

13. Ms. Wetlin quickly overburdened Mr. Miller with responsibilities, creating an incredibly stressful working environment for him. Ms. Wetlin had unrealistic expectations of Mr.

Miller, and essentially forced him to perform the job functions of multiple employees rather than his one position. Ms. Wetlin's treatment of Mr. Miller exacerbated his already-existing anxiety.

14. On or about May 13, 2021, Mr. Miller brought his concerns of being overworked and overburdened up to Ms. Wetlin. When Ms. Wetlin refused to remedy the problem, Mr. Miller continued to bring this issue to Ms. Wetlin and Mr. James Chadwick. Ms. Wetlin, however, responded that Mr. Miller was simply "too stressed out" for the job, despite being the cause of that stress.

15. After this negative treatment continued for months, in August 2021, Mr. Miller again requested a meeting with Ms. Wetlin to discuss his work conditions. However, Ms. Wetlin refused to meet with Mr. Miller and ignored his request entirely.

16. On or about September 13, 2021, Ms. Wetlin terminated Mr. Miller because she believed that based on his history of anxiety, that he could not perform his job functions.

17. Ms. Wetlin never offered an accommodation to Mr. Miller.

18. Upon information and belief, after Mr. Miller was terminated, Agility Communications Group replaced him with an employee who is non-disabled.

19. Agility Communications Group discriminated against Mr. Miller based on his disability. Ms. Wetlin, aware of Mr. Miller's disability, actively made his job stressful and increased his responsibilities, and then fired him when he inevitably could not keep up with the unreasonable demand of the position.

20. Despite Mr. Miller's attempts to discuss his working conditions, Agility Communications Group failed to conduct any investigation or take any action other than to terminate Mr. Miller.

21. Agility Communications Group never offered a legitimate reason for termination and has no documentation of the termination, which is evidence of pretext.

**COUNT I**

**Disability Discrimination in Violation of the ADA, 42 U.S.C. § 12101, et seq.  
*Discrimination, Harassment, and Retaliation***

22. Plaintiff incorporates by reference the foregoing paragraphs as if set forth herein in their entirety.

23. Plaintiff suffered from qualifying health conditions under the ADA that affected his ability at certain times to perform daily life activities.

24. Defendant was at all times an employer with more than 15 employees and subject to the ADA.

25. Plaintiff's disability is recognized as a disability under the ADA. Mr. Miller suffers from anxiety.

26. Plaintiff informed Defendant's managers/supervisors of his serious medical conditions. And he also informed them of the need for medical treatment and/or other accommodations.

27. Despite Plaintiff's health conditions and limitations, he was still able to perform the duties of his job with or without a reasonable accommodation.

28. Plaintiff requested a reasonable accommodation. Defendant terminated Plaintiff's employment because of, and in retaliation for, requesting a reasonable accommodation under the ADA.

29. Defendant's actions in subjecting Plaintiff to discrimination based on his actual and/or perceived disabilities and/or record of impairment, and retaliating against him for requesting a reasonable accommodation for his disabilities is in violation of the ADA.

30. As a direct result of unlawful, discriminatory, and retaliatory employment practices in violation of the ADA, of which Defendant engaged, Plaintiff sustained permanent and irreparable harm, resulting in termination from employment, which caused loss of earnings, plus the value of certain benefits, loss of future earning power, back pay, front pay, and interests.

**PRAYER FOR RELIEF**

**RELIEF**

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection with Defendant's improper conduct, and specifically prays that the Court grant the following relief to Plaintiff by:

- a) Declaring the acts and practices complained of herein to be in violation of the Americans with Disabilities Act;
- b) Enjoining and permanently retraining the violations alleged herein;
- c) Entering judgment against the Defendant and in favor of the Plaintiff in an amount to be determined;
- d) Awarding compensatory damages to make Plaintiff whole for all lost earnings, earning capacity and benefits, past and future, which Plaintiff has suffered or may suffer as a result of Defendant's improper conduct;
- e) Awarding compensatory damages to Plaintiff for past and future pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's pleasure, which Plaintiff has suffered or may suffer as a result of Defendant's improper conduct;
- f) Awarding punitive damages to Plaintiff;

- g) Awarding Plaintiff such other damages as are appropriate under ADA;
- h) Awarding Plaintiff the costs of suit, expert fees and other disbursements, and reasonable attorney's fees;
- i) A jury trial is demanded on all triable issues in this case; and,
- j) Granting such other and further relief as this Court may deem just, proper, or equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

Dated: November 21, 2022

Respectfully submitted,

/s/ Andrew Lacy, Jr.

Andrew Lacy, Jr. Esq.

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